

FILED BY CLERK

FEB 26 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

CASSIE MICHELLE CONNER,

Appellant.

)
)
) 2 CA-CR 2009-0052
) DEPARTMENT A
)

MEMORANDUM DECISION

)
) Not for Publication
) Rule 111, Rules of
) the Supreme Court
)
)

APPEAL FROM THE SUPERIOR COURT OF COCHISE COUNTY

Cause No. CR 2008-00106

Honorable James L. Conlogue, Judge

AFFIRMED

John William Lovell

Tucson
Attorney for Appellant

ESPINOSA, Presiding Judge.

¶1 Appellant Cassie Conner was charged along with three codefendants with various crimes in a fifteen-count indictment. Following a jury trial, she was convicted of first-degree burglary, as charged in count two of the indictment, and attempted armed robbery and robbery, lesser included offenses of the armed robbery and aggravated robbery charged, respectively, in counts fourteen and fifteen of the indictment. The jury

found the burglary and robbery were dangerous in nature, and the court sentenced Conner to concurrent, presumptive terms of imprisonment, the longest of which is 10.5 years. Conner appealed from her convictions and sentences, and her counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967) and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing he has searched the record in this case and found no arguable question of law to raise on appeal. He asks this court to review the record for fundamental error.

¶2 Viewed in the light most favorable to upholding the convictions, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence at trial established that, on February 10, 2008, Conner and her three codefendants arrived at the victims' home; one of her codefendants was armed with a baseball bat, and another with a police baton. After one of the defendants cut the telephone lines to the home, they knocked and banged on the victims' door, pushed their way inside when one of the victims opened it, and refused to leave when told to do so. They demanded money, and Conner took some of the victims' personal property. Before the defendants left, one of the victims was able to retrieve a Nintendo machine that belonged to her children, but other items were taken from the home. During the course of events inside the home, Conner's codefendants beat one of the victims, and one of them struck another victim in the face, causing her to lose an eye.

¶3 Pursuant to our obligation under *Anders*, we have thoroughly reviewed the record, including those issues that counsel has stated may give rise to "the appearance" of

arguable issues. We have found no error warranting reversal or any issue requiring further appellate review. Conner's convictions, which are supported by substantial evidence, and her sentences, which are within the statutory range, are therefore affirmed.

/s/ Philip G. Espinosa

PHILIP G. ESPINOSA, Presiding Judge

CONCURRING:

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

/s/ Virginia C. Kelly

VIRGINIA C. KELLY, Judge